

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

*** FILED ***
03/27/2001

03/16/2001

CLERK OF THE COURT
FORM R571B

HONORABLE JOSEPH B. HEILMAN

P. M. Espinoza
Deputy

CR 2001-000595

FILED: _____

STATE OF ARIZONA

JEANNETTE GALLAGHER

v.

DELBERT TALAWYMA
DOB: 03/31/70

DERRON D WOODFORK

APO-SENTENCE IMPRISONMENT-CCC
APPEALS-CCC
DISPOSITION CLERK-CCC
VICTIM WITNESS DIV-CA-CCC

SENTENCE OF IMPRISONMENT - NO MONETARY ORDERS ENTERED

8:51 a.m. State is represented by County Attorney, Treena Kay for above-named counsel. Defendant is present and represented by Public Defender, Ron Van Wert for above-named counsel.

Court Reporter, Linda Schroeder-Willis, is present.

Counsel approach the bench and discussion is held.

8:54 a.m. Court stands at recess in this matter.

10:07 a.m. Matter is recalled. Respective counsel and the Defendant are present.

Court reporter, Linda Schroeder-Willis is present.

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The acceptance of the Defendant's plea having previously been deferred is now accepted and entered of record.

The Defendant is advised of the charge, the determination of guilt and is given the opportunity to speak.

Lydia Duncan makes statements to the Court.

The victim, Thomasina Esparza, is given the opportunity to address the Court.

THE COURT FINDS that reasonable efforts have been made to give the victim notice of the plea proceeding and an opportunity to be heard.

Pursuant to A.R.S. Section 13-607,

THE COURT FINDS AS FOLLOWS:

WAIVER OF TRIAL: The Defendant knowingly, intelligently and voluntarily waived his/her right to a trial with or without a jury, his/her right to confront and cross examine witnesses, his/her right to testify or remain silent and his/her right to present evidence and call his/her own witnesses after having been advised of these rights. The determination of guilt was based upon a plea of GUILTY.

Having found no legal cause to delay rendition of judgment and pronouncement of sentence, the Court enters the following judgment and sentence:

IT IS THE JUDGMENT of the Court that the Defendant is guilty of the following crime(s) as set forth on the following page(s), that upon due consideration of all the facts, law and circumstances relevant herein, the Court finds that suspension of sentence and a term of probation are not appropriate and that a sentence of imprisonment with the Department of Corrections is appropriate.

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THE COURT FURTHER FINDS that there are circumstances sufficiently substantial to call for the term as indicated. These circumstances are stated by the Court on the record.

AS PUNISHMENT, IT IS ORDERED that the Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

OFFENSE: (As Amended): AGGRAVATED ASSAULT

FELONY CLASS: 3 (Domestic Violence) Non Repetitive

IN VIOLATION OF A.R.S. SECTIONS 13-1204(A)(2),(B), 1203(A)(1), 701, 702, 702.01, 801, 3601(A) and 3105

DATE OF OFFENSE: December 26, 2000

SENTENCE: 3.5 years

PRESUMPTIVE

NONDANGEROUS

This sentence is to date from March 16, 2001.

The Defendant is to be given credit for 80 days served prior to sentencing.

IT IS FURTHER ORDERED that the Defendant shall serve one day for every seven days of the sentence imposed under the supervision of the Community Supervision Program, to be served consecutively to the actual period of imprisonment.

The Defendant is advised concerning rights of review after conviction and written notice of those rights is provided.

IT IS ORDERED granting the Motion to Dismiss prior felony convictions and the allegation of dangerousness.

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IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the custody of the Arizona Department of Corrections and authorizing the Department of Corrections to carry out the term of imprisonment set forth herein.

ISSUED: Order of Confinement.

IT IS FURTHER ORDERED that the Clerk of the Superior Court remit to the Department of Corrections a copy of this order together with all presentence reports, probation violation reports, medical and psychological reports which are not sealed relating to the Defendant and involving this cause.

FILED: Notice of Rights of Review After Conviction

Let the record reflect the presentence investigation report is filed under CR 2000-019318.

cc: DOC - Certified Copy via Certification Desk

cc: MCSO-DIS - Certified Copy via Certification Desk

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Let the record reflect that the Defendant's thumbprint is permanently affixed to this sentencing order in open court.

10:40 a.m. Matter concludes.

/s/ HONORABLE JOSEPH B. HEILMAN
JUDICIAL OFFICER OF THE SUPERIOR COURT

(thumbprint)